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January 10, 2025

VIA ECF

The Honorable Alvin K. Hellerstein
United States District Court Judge
United States District Court for the
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Charlie Javice*, 23-Cr.-251 (S-1) (AKH)

Dear Judge Hellerstein,

On behalf of our client, Charlie Javice, we respectfully request that the Court give expedited consideration to her Motion for Severance, filed concurrently with this letter.

A. Motion to Sever and Supporting Papers

In support of her motion, Ms. Javice also submits a declaration that contains information that should not be reviewed by the government or the public because it contains sensitive information that would reveal key defense strategy of both defendants. For the same reasons, Ms. Javice has redacted portions of her motion. Accordingly, Ms. Javice has provided to the Court for *ex parte in camera review* copies of (1) the unredacted declaration and (2) the unredacted motion. *See* Fed. R. Crim. P. 16(d)(1) (“At any time the court may, for good cause, deny, restrict, or defer discovery or inspection, or grant other appropriate relief. The court may permit a party to show good cause by a written statement that the court will inspect *ex parte*.”).¹

¹ Ms. Javice described the general nature [REDACTED] and believes she describes the issue with sufficient clarity for the Government to respond. To the extent the court requires further disclosure to the Government, Ms. Javice respectfully submits the Court should first accept the *in camera* proffer [REDACTED]

_____ to permit the Court to fairly consider the merits of Ms. Javice’s motion. _____ so that she may fairly assess the impact of the proffered material on the instant motion.

B. Request for Expedited Consideration

Finally, as detailed in her motion, Ms. Javice learned only a few days ago [REDACTED] [REDACTED] and has raised severance to the Court at the first available opportunity.

Trial is a mere four weeks away, and all parties are necessarily benefitted by a prompt resolution of this request. Ms. Javice accordingly requests that the Court set a briefing schedule that will permit argument on this motion no later than January 17, 2025.

Mr. Amar does not oppose this motion or the expedited briefing schedule requested.

C. Government's Position

The Government's position on the motion to sever and the requested briefing schedule was requested and provided as follows:

The Government was advised that defendant intended to file a motion to sever hours before it was filed today—which, notably, is more than 17 months after the superseding indictment joining the defendants was returned (Dkt. 27), well past the pretrial motions deadline, and only one month before trial commences. The Government opposes severance and will request a schedule for its response after reviewing the motion.

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Respectfully Submitted

/s/ Sara C. Clark

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